

REMARKS

With entry of the instant amendment, claims 42 – 44 and 49 – 82 are pending. Claims 1 – 41 and 45 – 48 have been canceled, without prejudice; claims 42 – 44 have been amended; and claims 49 – 82 are new. No new matter has been introduced by the amendment. Applicants reserve the right to file further continuation applications on the subject matter of any canceled claimed.

Claim 42 has been amended as an independent claim. In addition polypeptides comprising the amino acid sequences of SEQ ID NOS: 2, 4, 6, 10 and 12 have been canceled from the claim. Claims 43 and 44 are dependent on claim 42. Claim 43 recites a polypeptide having at least 80% sequence identity to SEQ ID NO: 8, and claim 44 recites the polypeptide of SEQ ID NO: 8.

New claims 49, 50, 54, 69, and 71 are independent claims. Claim 49 recites the polynucleotide of SEQ ID NO: 7. Claim 50 recites a nucleic acid molecule which encodes a polypeptide having at least 40% sequence identity to SEQ ID NO: 8, said polypeptide having 2, 5-DKG permease activity. Claims 51 - 53, 58 - 68 are dependent on claim 50. Claim 54 is directed to a polynucleotide having at least 40% nucleic acid sequence identity to SEQ ID NO: 7, the polynucleotide encoding a polypeptide having 2,5-DKG permease activity, and claims 55 - 57 are dependent on claim 54. Claims 69 and 70 are directed to an oligonucleotide comprising at least 20 or 50 contiguous nucleotides of SEQ ID NO: 7, respectively. Claim 71 is directed to a method of enhancing production of 2-KLG in a bacterial host. Claims 72 - 82 are dependent on claim 71. Applicants contend support for the new claims may be found in the original claims and in the disclosure.

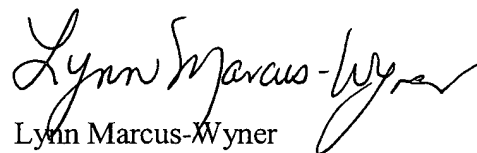
In the Office Action dated March 25, 2003, the Examiner restricted the original claims and into 28 different groups. Applicants have elected the claims of group IV (claims 1 – 40) directed towards a nucleic acid molecule of SEQ ID NO: 7 or encoding SEQ ID NO: 8, a vector containing the nucleic acid molecule, a bacterial cell containing the vector, an oligonucleotide comprising part of the nucleic acid molecule, a method of making the nucleic acid molecule and a method of using the isolated nucleic acid, classified in class 435, subclass 252.3, 320.1 and class 536, subclass 23.2. Claims directed to nucleic acid sequences of SEQ ID NOS: 1, 3, 5, 9 and 11 or encoding SEQ ID NOS: 2, 4, 6, 10 and 12 having 2,5-DKG

permease activity and claims directed to the polypeptides per se represented by groups I - III, V - IX and XII have been canceled. Additionally, claims directed toward antibodies specific for the disclosed polypeptides (Groups XIII - XVIII) have been canceled. However, Applicants request that the Examiner reconsider the restriction of groups IV and X and examiner these claims together.

Applicants have retained claims drawn to a polypeptide of SEQ ID NO: 8 and polypeptides having at least 40% sequence identity thereto having 2, 5-DKG permease activity. These are amended claims 42 - 44. The elected claims of group IV are classified in class 435, subclass 252.3, 320.1 and class 536, subclass 23.2 and the claims of group X are classified in class 435, subclass 195. While the claims may be classified in different subclass, Applicants believe it would not be an additional burden on the Examiner to examine the claims reciting a polynucleotide encoding a polypeptide of SEQ ID NO: 8 (and sequences having at least 40% sequence identity thereto having 2, 5-DKG permease activity) and claims directed to the polypeptide per se.

Applicants believe the claims are in condition for allowance and an early allowance for claims 42 - 44 and 49 - 82 is kindly requested.

Respectfully submitted,



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